



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 6894 OF 2025

Sushma Bharat Thorat, Aged 45 years, Occ: Housewife,
R/o Kandli, Tah. Achalpur, District - Amravati.

PETITIONER

VERSUS

1. The Minister, Rural Development Department,
Mantralaya, Mumbai – 400 032.
2. The Additional Commissioner, Amravati Division,
Amravati, Tah. and District – Amravati.
3. The Chief Executive Officer, Zilla Parishad,
Amravati, Tah. and District – Amravati.
4. The Block Development Officer, Panchayat Samiti,
Achalpur, Tah. Achalpur, District – Amravati.
5. Village Panchayat, Kandli, Through its Secretary,
Office at Kandli, Tah. Achalpur, District – Amravati.
6. Savita Dashrath Aahake, Aged 35 years, Occ.Housewife.
7. Dilip Nemichand Dhandare, Aged 38 years, Occ.Agriculturist.

Nos.6 and 7 R/o Kandli, Tah. Achalpur, District Amravati.

RESPONDENTS

1. Ravi Ramkrushna Godbole, Aged 52 years, Occ.
Agriculturist, R/o Naik Plot, Kandli, Tq. Achalpur,
District Amravati.
2. Pawan Shisupal Pariwale, Aged 31 years, Occ. Labour,
R/o Kandli, Tq. Achalpur, District Amravati.
3. Mangesh Damodhar Atkare, Aged 47 yeas, Occ.
Agriculturist, R/o Patwari Colony, Kandli,
Tq. Achalpur, District Amravati.
4. Deepak Dinkarrao Chavhan, Aged 48 years, Occ:
Agriculturist, R/o Malipura, Kandli, Tq. Achalpur,
District Amravati.
5. Amiroddin Quadiroddin, Aged 48 years, Occ:
Agriculturist, R/o Ekta Nagar, Kandli, Tq. Achalpur,
District Amravati.

INTERVENORS

Shri P.R. Agrawal, counsel for the petitioner.
Ms P.T. Joshi, Assistant Government Pleader for the respondent nos.1 and 2.
Shri M.R. Joharapurkar, counsel for the respondent nos.6 and 7.
Shri A.S. Manohar, counsel for the Intervenors.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : JANUARY 13, 2026

ORAL JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. This petition takes exception to the order dated 03.11.2025 passed by the respondent no.1-The Minister, Rural Development Department by which the appeal under Section 39(3) of the Maharashtra Village Panchayats Act, 1959 (for short, 'the Act of 1959') filed by the respondent nos.6 and 7 came to be allowed.

3. The petitioner claims to be a voter and resident of Gram Panchayat Kandli, Taluka Achalpur, District Amravati. The respondent nos.6 and 7 were elected on the post of Sarpanch and Upa-Sarpanch of Gram Panchayat Kandli in the year 2021. The petitioner filed application under Section 39(1) of the Act of 1959 before the Additional Commissioner and sought for removal/disqualification of the respondent nos.6 and 7 by alleging that they have indulged in several acts of irregularities. Based on the complaint filed by the petitioner, the respondent no.1 passed order dated 23.05.2025 and declared that the respondent nos.6 and 7 were disqualified as the Members of the Gram Panchayat. The respondent nos.6 and 7 therefore filed an appeal under Section 39(3) of the Act of 1959 before the Minister challenging the order of disqualification which came to be allowed by the order dated 03.11.2025. Being aggrieved by this order, the petitioner has filed the instant petition.

4. The primary contention of the counsel for the petitioner is that the Additional Commissioner had disqualified the respondent nos.6 and 7 by considering the elaborate report of the Chief Executive Officer, Zilla Parishad and the findings recorded by the Minister about the irregularities labelling them to be administrative in nature, are perverse. He submitted that the proceedings under Section 39(1) of the Act of 1959 were decided by the Additional Commissioner by giving proper opportunity of hearing to all the parties and on the basis of material available before it and therefore the final order passed by the Additional Commissioner required no interference. He submitted that the Chief Executive Officer has categorically recorded the irregularities in which the respondent nos.6 and 7 were indulged, particularly that various articles were not available in the office of the Gram Panchayat although shown to have been purchased earlier and that the payments were released to several vendors without calling for tenders for the allotted works. He therefore submitted that these irregularities were grave enough to disqualify the respondent nos.6 and 7. In support of his submissions, he placed reliance on the judgment of this Court in *Priti Manoj Bundile Versus Hon'ble Minister & Others* [2025 SCC OnLine Bom 4165], *Pratiksha Pravin Raut & Another Versus Divisional Commissioner, Navi Mumbai & Others* [2018(3) All MR 145], *Shubhangi Sharad Gondhali Versus Sonali Santosh More & Others* [2016 (3) Mh.L.J. 378] and *Vishnupant Motba Kesarkar Versus State of Maharashtra & Others* [2021(1) Mh.L.J. 606].

7. The learned counsel for the Intervenors also advanced submissions and supported the case of the petitioner. He submitted that the learned Minister has failed to deal with the pertinent observations recorded by the Additional Commissioner with respect to each of the irregularities and the final inference recorded by the Minister that the irregularities were administrative in nature are unsustainable. In support of his submissions, he relied on the judgment of the Principal Seat of this Court in *Hansraj Premlal Rahangdale since deceased through its LRs. Smt.Puja wd/o Hansraj Rahangdale & Others Versus Giridhar Gumanbhau Rahangdale since died through its LRs. Dinesh Giridhar Rahangdale & Others* [2011(3) Mh.L.J. 616].

8. As against this, the learned counsel for the respondent nos.6 and 7 vehemently submitted that the petition is filed by the petitioner only to harass the respondent nos.6 and 7. He submitted that the respondent no.1-Hon'ble Minister has given due consideration to the alleged irregularities and has aptly recorded that the irregularities were only administrative in nature. He submitted that there is absolutely no cogent evidence to establish conclusively that the respondent nos.6 and 7 have committed any act of misappropriation attracting disqualification under Section 39 of the Act of 1959. By elaborately pointing out the documents on record with respect to each of the alleged charge, he submitted that none of the charges are proved and even the report of the Chief Executive Officer is based on conjectures and surmises. He submitted that the respondent nos.6 and 7 are democratically elected Sarpanch and Upa

Sarpanch of the Gram Panchayat and they cannot be disqualified only on the basis of mere allegations unsupported by evidence. By pointing out the position of law laid down in the judgment of the Coordinate Bench of this Court in *Nimba Yadav Bhoi Versus President Standing Committee, Zilla Parishad, Jalgaon & Others* [2002(3) Mh.L.J. 466], he submitted that the Chief Executive Officer was required to submit the report on the basis of his independent enquiry. However, in the instant case, the report of the Chief Executive Officer is based on the observations recorded by other officials with respect to the alleged irregularities and as such the report of the Chief Executive Officer cannot be made the foundation to arrive at any conclusion.

9. In the backdrop of these rival contentions, the controversy thus fall for my consideration.

10. It has to be noted that the inferences drawn by the respondent no.2-Additional Commissioner are based on the report of the Chief Executive Officer, Zilla Parishad, Amravati. Pertinently, a perusal of the report of the Chief Executive Officer shows that *firstly* the report is prepared on the basis of the enquiries conducted by other officials and only inferences are recorded with regard to the alleged irregularities and *secondly*, there is no conclusive inference about direct involvement of the respondent nos.6 and 7 in any of the acts of alleged irregularities. As such, the report appears to have been prepared with the assistance of other persons and it is not based on the enquiry conducted by the Chief Executive Officer. The order passed by the Additional Commissioner

disqualifying the respondent nos.6 and 7 on the basis of such a report of the Chief Executive Officer was required to be objectively scrutinized. The respondent nos.6 and 7 being the elected Sarpanch and Upa-Sarpanch could not have been subjected to the drastic action of disqualification on the basis of such report.

11. As regard the alleged irregularities, it has to be seen that they are primarily with respect to allotment of work and purchase of certain material without calling for comparative rates and release of certain amounts before completion of the works. The record reveals that as regards some of the work orders about which allegations are levelled, they were allotted even before the tenure of these respondents commenced. Further, there is no material to conclusively infer that there was any misappropriation of money by the respondent nos.6 and 7 in any of these works. As such, the action of disqualification of the democratically elected representatives was ordered in absence of any cogent and clinching material before the Authorities. A perusal of the order passed by the Hon'ble Minister shows that due consideration is given to each of the alleged irregularities and having found that the report of the Chief Executive Officer was based on the enquiries being conducted by other officials, that too without establishing any illegality on the part of the respondent nos.6 and 7, the inferences are drawn which do not at all appear to be perverse. The alleged irregularities are related to the regular activities carried out by the Gram Panchayat involving various administrative decisions and the inferences of the Hon'ble Minister about

the decisions being administrative in nature does not at all show any perversity. As such, the impugned order passed by the Hon'ble Minister cannot be treated to be palpably erroneous requiring indulgence by this Court. It is also relevant to note that the tenure of the Gram Panchayat is likely to come to an end in the month of January-2026 and since the drastic decision of disqualification under Section 39 of the Act of 1959 would attract serious consequences and as such the same is not warranted in the peculiar facts of this case, as noted above.

12. Although the learned counsel for the respective parties have cited several case laws in support of their submissions, it has to be noted that the controversy involved in this petition is required to be decided on the basis of factual aspects as referred in the report of the Chief Executive Officer and other documents. The position of law laid down in the judgments relied upon was not disputed by any of the parties.

13. Having regard to the above mentioned factual and legal aspects, no indulgence is warranted with the impugned order passed by the Hon'ble Minister and the petition deserves to be dismissed. The writ petitions is accordingly dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)